

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FELIPE POLANCO DIAZ,
Plaintiff,
v.
MARIA TORCEDO,
Defendant.

No. 21-cv-0916 KJM KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se and in forma pauperis. This action proceeds on plaintiff's second amended complaint alleging that while he was housed at California State Prison, Sacramento, on December 21, 2020, plaintiff was subjected to retaliation by defendant Torcedo. (ECF Nos. 24, 25 (screening order).)

On March 22, 2024, plaintiff filed a motion claiming that he is being deprived of his legal property and that mailroom staff at California Health Care Facility ("CHCF"), where he is currently housed, unlawfully rejected his attempted mailings to counsel for defendant and the court in violation of Title 15, Section 3138(h).¹

¹ Plaintiff includes a "background" and attachments concerning a case he is pursuing in Los Angeles County. While the initial deprivation of property was related to plaintiff going out to court in Los Angeles County, his personal property was retained at Kern Valley State Prison, and then shipped to CHCF on February 5, 2024. (ECF No. 43 at 12-13.) Thus, the Los Angeles case is not relevant to whether plaintiff has current access to his legal property or mailroom issues at CHCF. Defendant is not required to respond to plaintiff's Los Angeles County case.

1 Plaintiff's attempted mailing appears to include plaintiff's response to defendant's
2 discovery requests. (ECF No. 43 at 3.)

3 The February 7, 2024 discovery and scheduling order provided a June 7, 2024 deadline
4 for completion of discovery, but also provided that all requests for discovery pursuant to Federal
5 Rules of Civil Procedure 31, 33, 34 or 36 shall be served not later than sixty days prior to that
6 date (June 7, 2024). (ECF No. 43.) It is unclear whether plaintiff's attempted mailing included
7 discovery requests to defendant.

8 Therefore, within fourteen days from the date of this order, counsel for defendant shall file
9 a response to plaintiff's March 22, 2024 motion, including, but not limited to, whether or not
10 plaintiff has current access to his legal materials.

11 Accordingly, IT IS HEREBY ORDERED that within fourteen days from the date of this
12 order, defendant shall respond to plaintiff's March 22, 2024 motion (ECF No. 43), as set forth
13 above. Plaintiff is granted fourteen days thereafter to file a reply.

14 Dated: March 25, 2024



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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